

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAKOTA BLU BURNS,)
Petitioner,)
v.) Case No. CIV-22-72-SLP
SCOTT CROW,)
Respondent.)

O R D E R

Petitioner, Dakota Blue Burns, a state prisoner appearing pro se, commenced this action by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Upon review, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation [Doc. No. 5], recommending the Petition be dismissed based on Petitioner's failure to either pay the required filing fee or apply for in forma pauperis status. In the Report and Recommendation, Magistrate Judge Mitchell advised Petitioner of his right to file an objection, and further advised him that failure to make timely objection waives the right to appellate review of both factual and legal issues contained therein. To date, Petitioner has not paid the filing fee, filed an objection to the Report and Recommendation, or requested an extension of time. Accordingly, for the reasons stated in the Report and Recommendation the action should be dismissed.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is ADOPTED and this action is DISMISSED WITHOUT PREJUDICE. A separate judgment of dismissal shall be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. When, as here, the district court dismisses a habeas petition on procedural grounds, the petitioner must make this showing by demonstrating both “[1] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and [2] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that reasonable jurists would not debate the correctness of the Court’s determination that the Petition should be dismissed based on Petitioner’s failure to comply with the Court’s orders. The Court therefore denies a COA.

IT IS SO ORDERED this 30th day of March, 2022.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE